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Paper No. 7

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APR 19 2002

OFFICE OF PETITIONS

In re Application of:
Itzik Ben-Bassat, Ido Ophir, Rafi
Boneh, Tal Marcus, David Rahamin,
Yariv Hayoun, Eran Ridel,
Oren Sheich, Amir Comforti,
Ilan Ossdom, Ofer Shafir,
Ariel Goldfarb, and Yossi Gal
Application No. 09/880,103
Filed: June 14, 2001
Title of Invention: SATELLITE
COMMUNICATION CARD

DECISION REFUSING
STATUS
UNDER 37 CFR 1.47(a)

This is in response to a Petition Under 37 C.F.R. 1.47(a), filed January 14, 2002, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

The above-identified application was filed on June 14, 2001, without a fully executed oath or declaration. Accordingly, on August 13, 2001, a "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "Notice"), was mailed to Petitioner. The Notice required, in relevant part, a fully executed oath or declaration. Applicant was given two-months from the date of the Notice within which to file a fully executed oath or declaration. A three month extension of time fee has been charged to deposit account 19-0733 as authorized in the instant petition.

The petition is accompanied by the declaration of Joseph P. Curtin, which avers, in relevant part, that a copy of the declaration and assignment was sent to the nonsigning inventors on December 4, 2001, and no response has been received.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

As to item (1), the applicant has failed to establish that the nonsigning former Administrator was ever presented with the application for signature. The Manual of Patent Examining Procedure ("MPEP") states that

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented

with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

MPEP 409.03(d).

Petitioner must send a copy of the entire application, including the specification, claims and drawings, along with the oath or declaration to the nonsigning inventors before refusal can be alleged.

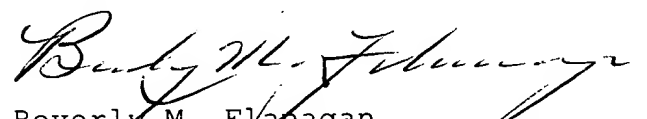
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
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for Patent Examination Policy